

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00351

Jose Gonzalez,
Plaintiff,

v.

Texas Department of Criminal Justice et al.,
Defendants.

ORDER

Plaintiff filed this civil-rights action on August 24, 2021. Doc. 1. Thereafter, on December 14, 2021, Plaintiff filed a motion to dismiss defendant Texas Department of Criminal Justice (“TDCJ”) without prejudice pursuant to Federal Rule of Civil Procedure 41. Doc. 34. This cause of action was referred to United States Magistrate Judge John D. Love, who issued a report and recommendation recommending that plaintiff’s motion to dismiss defendant TDCJ without prejudice be granted. Doc. 38. No objections were filed to the magistrate judge’s report.

When there have been no timely objections to a magistrate judge’s report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge’s report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Plaintiff’s motion to dismiss (Doc. 34) is granted, and the asserted claim against TDCJ is dismissed without prejudice. As this was the only pending claim asserted against defendant TDCJ, the clerk of court is directed to terminate TDCJ from the docket by way of this dismissal. Further, plaintiff’s unopposed motion to file a second amended complaint (Doc. 31) is granted. The attachment to that motion (Doc. 31-1) shall be docketed as the live complaint in this matter.

So ordered by the court on January 6, 2022.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge